



CITY OF MEMPHIS

COUNCIL AGENDA

March 7, 2006

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (February 21, 2006)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE - SECOND READING

1. **ORDINANCE** amending the City of Memphis Code of Ordinances, Chapter 33 Article IV, Division 3, Storm Water Enterprise Fund, to revise the Rate Schedule and to specify an Implementation Date, up for S E C O N D reading.

Jones

Ordinance No. 5157

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (none)

ZONING ORDINANCES - SECOND READING

2. **ORDINANCE** rezoning the northeast corner of Mill Avenue and Seventh Street, containing 0.78 acre in the Mixed Use(MU) & Moderate Density Residential (MDR) Districts, up for S E C O N D reading.

Peete

Ordinance No. 5158

Case No. Z 05-137

Applicant: MLB-Uptown LLC
S R Consulting – Representative

Request: Moderate Density Residential (MDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** rezoning the southeast corner of Pennsylvania Avenue and Illinois Avenue, containing 2.02 acres in the Heavy Industrial (I-H) District, up for S E C O N D reading.

Peete

Ordinance No. 5159

Case No. Z 05-140

Applicant: Pennsylvania Ave., LLC

Request: Bluffview Residential (R-B) District

LUCB and OPD recommendation: APPROVAL of the Bluffview Residential (R-B) District

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

4. RESOLUTION accepting CARLTON RIDGE P.D. and authorizing release of bond.
Case No. PD 01-338cc
(Contract No. CR-4755)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Macon Road, east of Hall Road. The standard improvement contract was approved on November 12, 2002. Resolution authorizes the release of the letters of credit in the total amount of \$371,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION accepting RIALTO SQUARE SUBDIVISION, FIRST ADDITION and authorizing release of bond.
Case No. S 04-029
(Contract No. CR-4909)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located 796.36 feet to the centerline intersection of Rocky Point Road and Buckeye Road. The standard improvement contract was approved on November 23, 2004. Resolution also authorizes the release of the Letter of Credit (No. 114000333497) in the amount of \$13,300.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving final plat of WOODLAND HILLS II PD, PHASE 2, PART OF AREA 6.
Case No. PD 04-343cc
Contract No. CR-4997

Resolution approves the final plat located at the terminus of Woodland Trees Drive, 140.5 feet south of Woodland Vista Drive. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

7. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 05-369 – Donatti Planned Development

Located on the northwest corner of Mendenhall Road and Cole Road; extending +587.98 feet to the south, containing 2.93 acres in the Single Family Residential (R-S10) District

Applicant: Donatti Construction, LLC
Steve Vescovo – Representative

Request: A maximum of 12 residential lots and one open space lot

LUCB and OPD recommendation: APPROVAL of a maximum of 10 lots with one open space lot

B. Case No. PD 05-382

Located on the northeast corner of Highland Street and Central Avenue, containing 1.29 acres in the Single Family Residential (R-S6) District

Applicant: Makowsky, Ringel, Greenberg, LLC
Ronald Harkavy – Representative

Request: A maximum of 40 condominium units in a 4-story building with a parking garage

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 05-383cc – Winchester/Hackscross Rd. PD, 4th Amendment

Located on the south side of Centennial Drive; +/-200 feet west of Hackscross Road, containing 1.7 acres in an area currently governed by Area 'D' of Winchester/Hackscross Road Planned Development, 3rd Amendment (PD 05-383cc)

Applicant: Michael A. Lightman, Robert T. Levy & John R. Lightman
Trustees
ETI Corporation – Representative

Request: Planned development amendment to allow motor vehicle services in Area 'D' of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 02-314 – First Assembly of God P.D., Amended
(Companion Case: Z 1692)

Located on the east side of Germantown Parkway, 228 feet south of Rockcreek Parkway

Appellant: Countrywood Neighborhood Association

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 2/9/06 which approved on the request of Family Value Property, LLC to construct a private drive to tie into the adjoining Village Green Shopping Center along the planned development north boundary

LUCB recommendation: APPROVAL of the private drive

OPD recommendation: HOLD for a traffic study

E. Case No. Z 1692 – The Village Green Shopping Center
(Companion Case: PD 02-314)

Located on the south side of Rockcreek Parkway, 800 feet east of Germantown Parkway

Appellant: Countrywood Neighborhood Association

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 2/9/06 which approved the request of Family Values Property, LLC to construct a private drive to tie into the adjoining First Assembly of God Planned Development along the shopping center south boundary

LUCB recommendation: APPROVAL of the private drive

OPD recommendation: HOLD for a traffic study

ACTION REQUESTED: **Set a date of public hearing**

SUGGESTED DATE: **March 21, 2006**



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MLGW FISCAL CONSENT

8. RESOLUTION awarding Contract No. 11081, Air Intake, to Barnes & Brower, Inc., in the funded amount of \$109,924.00.
9. RESOLUTION awarding Contract No. 11083, Project SAS 70, Type II Report, to Watkins Uiberall, PLLC, in the funded amount of \$75,000.00.
10. RESOLUTION awarding Contract No. 11090, Serena Master License Agreement, to Serena Software, Inc., in the funded amount of \$52,682.05.
11. RESOLUTION awarding Contract No. 11097, Grounds and Landscaping Services, to Environmental Landscape, in an estimated funded amount of \$67,081.00.
12. RESOLUTION approving Change No. 9 to Contract No. 10642, Grounds Maintenance, with Bean & Prince Contractors, Inc., in an estimated funded amount of \$565,477.77. (This renews the contract for the sixth and final renewal beginning March 16, 2006 to March 15, 2007.)
13. RESOLUTION approving Change No. 2 to Contract No. 10812, Grounds and Landscaping Services "Central," with Majestic Landscaping, in an estimated funded amount of \$25,854.05. (This renews the contract for the fourth and final term beginning April 1, 2006 to March 31, 2007.)
14. RESOLUTION approving Expedited Procurement Request for Change No. 4 to Contract No. 10877, Wireless Communications, with Nextel Communications, in an estimated funded amount of \$80,000.00. (This renews the contract for the fourth and final renewal beginning September 30, 2005 to September 29, 2006.)
15. RESOLUTION awarding contract for CWS pipe and fittings to Consolidated Pipe and Supply in the amount of \$38,675.40.
16. RESOLUTION awarding 36-month contract for rental of copy machines as follows:

Nova Copy, Inc.....	\$ 125,580.96
The Office Product Store.....	260,863.20
Ikon Office Solutions.....	<u>102,240.00</u>
Total.....	\$ 488,684.16
17. RESOLUTION awarding contract for polyethylene pipe to M. T. Deason in the amount of \$49,795.20.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

GENERAL ORDINANCE - THIRD AND FINAL READING

18. **ORDINANCE** amending Chapter 41, Code of Ordinances, City of Memphis, so as to update regulations for Wreckers and Towing Operators within the City of Memphis, up for T H I R D and F I N A L reading.(Held from 10/11; 10/25;11/1; 12/6; 1/03; 1/17; 2/21)

Sammons

Ordinance No. 5133

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (none)

EXECUTIVE DIVISION

19. RESOLUTION transferring and appropriating \$350,000.00 funded by G.O. Bonds General from CIP Project Number IS01007, Replace Obsolete Equipment to CIP Project Number IS01013, Treasury Systems Replacement.

Sammons

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

20. RESOLUTION transfers allocations of \$111,000.00 from ADA Facility Compliance, CIP Project Number GS01010, \$35,000.00 from City-Wide Energy Modifications, CIP Project Number GS01003 and \$174,836.00 from Tennis Improvements, CIP Project Number PK03001 to Bellevue and Wolbrecht Tennis Centers, CIP Project Number PK03002 Contract Construction and appropriates \$441,920.00 in Bellevue and Wolbrecht Tennis Centers, CIP Project Number PK03002 Contract Construction, funded by G.O. Bonds General and chargeable to Fiscal Year 2006 Capital Improvement Budget.

McCormick

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION amends the FY 2006 CIP Budget by transferring an appropriation of \$161,000.00 from Architect/Engineering to Construction and appropriating \$413,000.00 in Contract Construction and \$151,000.00 in Art Construction funded by Local Other CIP chargeable to the Fiscal Year 2006 Capital Improvement Budget for the Lucy Cancer Survivors Park, CIP Project Number PK07079.

McCormick

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION approving continuation of plans and specifications and taking of bids at an estimated construction cost of \$3,000,000.00 funded by G.O. Bonds General for Liberty Bowl Restrooms Phase 1 Improvements.

McCormick

Council did include Liberty Bowl Stadium Improvements, CIP Project Number PK10001 as part of the 2006 Capital Improvement Program

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION appropriating \$345,040.00 in Whitehaven Tennis Center, CIP Project Number PK03003 Contract Construction, funded by G.O. Bonds General and chargeable to Fiscal Year 2006 Capital Improvement Budget.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS (none)

ZONING ORDINANCES - THIRD AND FINAL READING

24. **ORDINANCE** amending Section 29, Signs and Section 30, Nonconformities, up for T H I R D and F I N A L reading. (Held from 10/25; 11/1;11/15;12/06; 12/20; 1/03; 1/17; 2/7)

Peete

Ordinance No. 5136
Case No. ZTA 05-001cc

Applicant: Office of Planning & Development

Request: Amend Section 29, Signs to expand the statement of intent regarding the location of off-premise signs and amend Section 30, Nonconformities regarding alteration, expansion, replacement and moving of off-premise and all signs

Recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

25. **ORDINANCE** rezoning the northeast corner of Monroe Avenue and Avalon Street, containing 0.20 acre in the Local Commercial (C-L) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5154
Case No. Z 05-128

Applicant: Pinnacle Homes, LLC
Michael Fahy – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

50 NOTICES MAILED ON FEBRUARY 24, 2006

26. **ORDINANCE** rezoning +200 feet east of Ridgeway Road; +200 feet south of Winchester Road, containing 19.452 acres in the Highway Commercial (C-H) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5155
Case No. Z 05-136

Applicant: Safeway Plaza, Inc., Rafat Shaikh
Homer Branan – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES MAILED ON FEBRUARY 24, 2006

27. **ORDINANCE** rezoning the east side of Airways Boulevard; +/-2,240 feet north of Stateline Road, containing 4.38 acres in the Single Family Residential (R-S8) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5156
Case No. Z 05-138

Applicant: City Auto Finance, LLC

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL, of the Light Industrial (I-L) District

ACTION REQUESTED: Take whatever action Council deems advisable

31 NOTICES MAILED ON FEBRUARY 24, 2006

DIVISION OF PLANNING & DEVELOPMENT (none)

PUBLIC HEARINGS

28. **RESOLUTION** approving an appeal located on the east side of Berryhill Road, opposite Berry Bush Lane.

Peete

Case No. PD 04-370cc

Appellant: Danny Tabrizi for Fountain Brook, LLC

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 01/12/06 which rejected the appellant’s request to delete the requirement for road improvements to Berryhill Road as required by the Outline Plan Conditions for Fountain Brook Planned Development

LUCB and OPD recommendation: REJECTION

NO NOTICES WERE REQUIRED

29. **RESOLUTION** approving a planned development located on the east side of Clarke Road; +195 feet north of Knight Arnold Road, containing 6.15 acres in the Single Family Residential (R-S6 & R-S8) Districts.

Peete

Case No. PD 05-380

Applicant: Jamar Investments
ETI (Ralph Smith) – Representative

Request: A maximum of 31 residential lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

67 NOTICES MAILED ON FEBRUARY 24, 2006

30. RESOLUTION approving an appeal located on the east side of Blake Road; +168.75 feet north of Rocky Point Road, containing 2.0 acres in the Single Family dwelling ~ Single Family Residential (R-S6) District.

Peete

Case No. S 05-081

Appellant: David Jumper

Request: Eight (8) Lot Preliminary Plat Preliminary Plat. Mr. Jumper is making this appeal in effort to develop this subdivision with an eight (8) lot plan with a cove rather than an eight (8) lot plan with a street stub connection to Versilia Avenue

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

18 NOTICES MAILED ON FEBRUARY 24, 2006

31. RESOLUTION approving a street/alley closure located on Wesley Drive, between Pace Road and Faronia Road, containing 1.139 acres. (Held from 11/01; 1/17; 2/7)

Peete

Case No. SAC 05-610

Applicant: Methodist Healthcare – Tom Tollett
Homer Branan, III – Representative

Request: Close & Vacate Street Right-of-Way

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

12 NOTICES RE-MAILED ON OCTOBER 24, 2005

32. RESOLUTION approving a street/alley closure located on Kentucky Street at Railroad Avenue, containing 8,869 square feet.

Peete

Case No. SAC 05-625

Applicant: City of Memphis
Wayne Gaskins, City Engineer

Request: Close & Vacate Alley Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the resolution

14 NOTICES MAILED ON FEBRUARY 24, 2006

PRESENTATIONS AND RECOGNITION OF VISITORS (none)

ADJOURNMENT

ADD-ONS

33. RESOLUTION approving final plat of AFTON GROVE P.D., PHASE 4.

Consent

Case No. PD 01-319cc

Contract No. CR-4998

Resolution approves the final plat located on the north and south sides of Eckley Place, 187.46 feet east of Darren Circle West. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION approving final plat of LAUREL TREE II P.D.

Consent

Case No. PD 05-326cc

Contract No. CR-4999

Resolution approves the final plat located on Holmes Road, east of Hacks Cross. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION approving final plat of FOUNTAIN BROOK P.D., PHASE 2.

Consent

Case No. PD 04-370cc

Contract No. CR-5000

Resolution approving final plat located on the northeast side of Berryhill Road, 652.48 feet southeast of Berry Bush Lane. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION approving final plat of FOUNTAIN BROOK P.D., PHASE 3.

Consent

Case No. PD 04-370cc

Contract No. CR-5001

Resolution approves the final plat located northeast of Berryhill Road, southeast of Berry Bush Lane. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION accepting CORDOVA RIDGE P.D., 4TH AMENDMENT, PHASE 7, PARCEL II and authorizing release of bond.

Consent

Case No. PD 02-360cc

(Contract No. CR-4851)

March 7, 2006

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Macon Road, 1,073 feet east of Houston Levee Road. The standard improvement contract was approved on February 3, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$41,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION accepting PEMBERTON MEADOWS P.D. and authorizing release of bond.
Consent

Case No. PD 04-331cc
(Contract No. CR-4923)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Holmes Road and the east side of Wemberley Drive. The standard improvement contract was approved on February 1, 2005. Resolution also authorizes the release of the letters of credit in the total amount of \$50,700.00. The action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving engineering plans of UNIVERSITY PLACE SEWER IMPROVEMENTS, PHASE 1.
Consent

Contract No. CR-5002

Resolution approves the final plat located on the southeast corner of Crump Blvd. and Sommerville Street. Cost of the required improvements to be borne by the agency and the contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION approving temporary structures on the street on Saturday, March 25, 2006 from 7:00 a.m. until 9:00 a.m. for the 13th Annual 5K Run for Christ Methodist.
Consent

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION extending the \$2 emergency gas surcharge for taxi industry until September 5, 2006 and at that time the Council will review and determine if it needs to be continued.
Chumney

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 6 – Approved
7. Public Hearing Set for March 21, 2006
8. Through 15- Approved
16. Sent Back to Committee
17. Approved
18. Held until March 21, 2006
19. Through 23 – Approved

- 24. Held until April 25, 2006
- 25. Through 27 – Approved
- 28. Failed
- 29. Held until March 21, 2006
- 30. Approved
- 31. Held until April 25, 2006
- 32. Held until March 21, 2006
- 33. Through 41 – Approved

ACTION TAKEN ON THE MINUTES OF FEBRUARY 21, 2006

Approved, as amended. Item#41 – Case # S 05-061cc, from February 21, 2006 Meeting, was pulled from the minutes and Sent Back to Committee on 3/21/2006.

ACTION TAKEN ON THE MINUTES OF ITEM#41 OF MARCH 7, 2006 MEETING

Approved